

U.S. Patent Application
Serial No. 10/517,580

REMARKS:

Claims 1 and 13-15 are currently being amended to obviate the Examiner's rejection thereof. Basis for the amendments can be found throughout Applicant's specification, including page 10, line 5 - page 13, line 40.

These amendments do not introduce new matter within the meaning of 35 U.S.C. §132. Accordingly, Applicant respectfully requests the Examiner to enter the amendments.

1. Rejection of Claims 1, 3-5, 7, and 9-18 Under 35 U.S.C.

§103(a)

Claims 16-18 have been cancelled rendering the rejection thereof moot. Applicant respectfully traverses the rejection of claims 1, 3-5, 7, and 9-15 as being unpatentable over U.S. Patent 6,635,715 (herein referred to as, "Datta, et al."). Arguments regarding Datta, et al. in Applicant's previous responses are incorporated herein by reference in their entirety.

As outlined in Applicant's aforementioned responses, the U.S. Supreme Court in *Graham v. John Deere Co.*, 148 U.S.P.Q. 459 (1966) held that non-obviousness was determined under §103 by (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; (3) resolving the level of ordinary skill in the art; and, (4) inquiring as to any objective evidence of non-obviousness.

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Accordingly, for the Examiner to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §2142.

In particular, Applicant respectfully believes Datta, et al. fails to disclose the currently claimed compositions produced by the currently claimed process using the currently claimed metallocenes.

In view of the above, Applicant respectfully believes claims 1, 3-5, 7, and 9-15 are novel and patentably distinct from Datta, et al.

Therefore, Applicant respectfully requests for the Examiner to withdraw the instant rejection.

2. Rejection of Claims 1, 3-5, 7, and 9-18 Under 35 U.S.C.

§103(a)

Claims 16-18 have been cancelled rendering the rejection thereof moot. Applicant respectfully traverses the rejection of claims 1, 3-5, 7, and 9-15 as being unpatentable over WO 98/10016 (herein referred to as, "Mehta, et al."). Arguments regarding Mehta, et al. in Applicant's previous responses are incorporated herein by

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reference in their entirety.

As outlined in Applicant's aforementioned responses, the U.S. Supreme Court in *Graham v. John Deere Co.*, 148 U.S.P.Q. 459 (1966) held that non-obviousness was determined under §103 by (1) determining the scope and content of the prior art; (2) ascertaining the differences between the prior art and the claims at issue; (3) resolving the level of ordinary skill in the art; and, (4) inquiring as to any objective evidence of non-obviousness.

Accordingly, for the Examiner to establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See MPEP §2142.

In particular, Applicant respectfully believes Mehta, et al. fails to disclose the currently claimed compositions produced by the currently claimed process using the currently claimed metallocenes.

In view of the above, Applicant respectfully believes claims 1, 3-5, 7, and 9-15 are novel and patentably distinct from Mehta, et al.

Therefore, Applicant respectfully requests for the Examiner to withdraw the instant rejection.

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CONCLUSION

Based upon the above remarks, the presently claimed subject matter is believed to be novel and patentably distinguishable over the references of record. The Examiner is therefore respectfully requested to reconsider and withdraw all rejections, and allow all pending claims 1, 3-5, 7, and 9-15. Favorable action with an early allowance of the claims pending in this application is earnestly solicited.

The Examiner is welcomed to telephone the undersigned practitioner if he has any questions or comments.

Respectfully submitted,

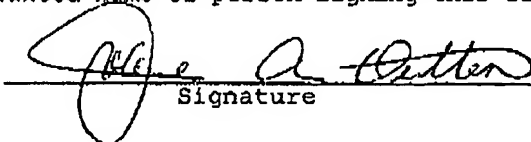
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